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CONFIRMATION

MAIL STOP PCT,
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UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PCT LEGAL ADMINISTRATION
P.O. BOX.1450
ALEXANDRIA, VA 22313 - 1450
USA

2005 NOVEMBER 16
OUR REF : FPP3071.032.SRG

ATTN : BRYAN TUNG
PCT LEGAL EXAMINER
FAX : (571) 273 - 0459

TOTAL PAGES : 02 + 02

MOST URGENT

Dear Sir,

**RE : INTERNATIONAL (PCT)
PATENT APPLICATION No.PCT/IN04/00068
FILED ON MARCH 26, 2004
IN THE NAME OF NANDAN SUNDER RAJAN
FOR "ATTRIBUTE BASED COMMUNICATION"
Priority : US Application No. 60/457,439 dated 26/03/2003
and US Non-provisional Patent Application 10/809,063
dated 24/03/2004.**

RECEIVED

1 DEC 2005

Legal Staff
International Division

We refer to your letter dated 14th October 2005 giving a decision on our request for refund of International Search fee as paid for the above identified PCT application to the United States Patent and Trademark Office (USPTO) as the International Searching Authority.

In response to your said decision (copy enclosed for ready reference) we would like to make the following submission for and on behalf of the applicant for your kind consideration :

1. The above identified International(PCT) application was filed at the Calcutta Head Office of the Indian Patent Office on 26th March 2004 **The application was not filed with the USPTO** as the receiving office as wrongly mentioned in the "Background" of your communication **though the USPTO was chosen by the applicant as the International Searching Authority.**

CALCUTTA BANGALORE MADRAS NEW DELHI

16/11/2005 12:28

BRYAN TUNG
UNITED STATES PATENT & TRADEMARK OFFICE

D.P.AHUJA & CO.
CALCUTTA, INDIA

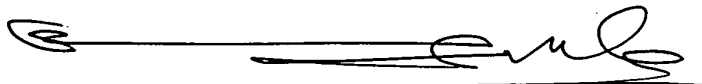
2. The PCT application claimed priority from two U.S. Applications namely US application no. 60/457,439 filed on 26th March 2003 and the second non-provisional US application filed on 24th March 2004 which was later allotted a U.S. Application no. 10/809,063. Both these applications were referred as related applications in the opening paragraph of the specification for the PCT application and also in the PCT Request. The applicant is accordingly entitled for a reduced International Search fee of US \$ 300.
3. International search fee of US\$ 1300 was paid for this application at the Indian Patent Office as the Receiving Office by mistake as against an International Search fee of US\$ 300 payable for this application. That is an excess of US\$ 1000.
4. There has been **an inordinate delay in establishment of International Search Report (ISR)**. The ISR has not been established as yet despite expiry of more than 31 months from the priority date of the application that has rendered Search Report useless to the applicant even if it is now made available.

In the above context, we request for reconsideration of the applicant's case for refund of the entire International Search fee of US\$ 300 as well as US \$ 1000 being the excess Search fee paid for this PCT application as refundable under 37 CFR 1.446(a). [Total US \$ 300 + US\$ 1000]

The refund may please be made by Wire Transfer to Account No. 33105004857, Standard Chartered Bank Limited. SWIFT : SCBLINBB 19 Netaji Subhas Road, Calcutta 700 001, India.

We thank you for your prompt action in the matter.

Very truly yours,



SEKHAR R. GUPTA
(APPLICANT'S AGENT)

Encl : Copy of your letter dated 14th October 2005.
---- by fax and mail.

PT/nlk/161105

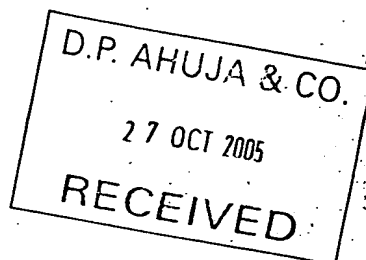


14 OCT 2005

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SCANNED

In re Application of RAJAN
PCT Application No.: PCT/IN04/00068
Int. Filing Date: 26 March 2004
Priority Date Claimed: 26 March 2003
Attorney Docket No.: FPP3071
For: ATTRIBUTE BASED COMMUNICATION

DECISION

This is in response to the correspondence filed 16 September 2005, which is being treated as a request for refund under 37 CFR 1.446.

BACKGROUND

On 26 March 2004, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 16 September 2005, applicant filed the present request for refund under 37 CFR 1.446.

DISCUSSION

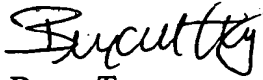
Because none of the conditions set forth in PCT Rule 16.2 or 16.3 apply to the present application, a refund of the international search fee is not indicated. The application is being returned to the examining group for completion of the International Search Report.

CONCLUSION

For the reasons above, the request for refund under 37 CFR 1.446 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Tung
PCT Legal Examiner
Office of PCT Legal Administration

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FILE NO : FPP3071
CODE : 0 NLK

NOV 30 2005
PCT INITIAL PROCESSING



1 DEC 2005

Legal Staff
International Division

D.P. AHUJA & Co.

